

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH B. SCALES	:	CIVIL ACTION NO. 3:10-CV-333
	:	
Plaintiff	:	(Chief Judge Kane)
	:	(Magistrate Judge Smyser)
v.	:	
	:	
JEFF WITHERITE, ET AL.	:	
	:	
Defendants	:	

ORDER

Before the Court in the above-captioned action is a November 16, 2011 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

AND NOW, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Smyser.
- 2) The case is dismissed pursuant to Fed.R.Civ.P.41(a)(2).
- 3) The Clerk of Court shall close the file.

S/ Yvette Kane
YVETTE KANE, Chief Judge
United States District Court
Middle District of Pennsylvania

Dated: December 6, 2011